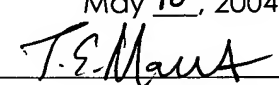


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Patent Docket P1937R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Lynne Ann Krummen et al.  Serial No.: 10/715,270  Filed: November 14, 2003  For: INTRON FUSION CONSTRUCT AND METHOD OF USING FOR SELECTING HIGH-EXPRESSING PRODUCTION CELL LINES	Group Art Unit: 1638  Examiner: Not Yet Assigned  Confirmation No: 4580  CUSTOMER NO: 09157  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  May 10, 2004   Tom Marrs
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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

☒ **37 CFR § 1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR § 1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR § 1.114.

☐ **37 CFR § 1.97(c)**

- by the applicant after the period specified in 37 CFR § 1.97(b), but prior to the mailing date of any of a final action under 37 CFR § 1.113, or a notice of

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) and/or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because **a)** ☐ they were previously cited by or submitted to the Office in a prior application Serial No. 60/426,095, filed November 14, 2002 and relied upon in this application for an earlier filing date under 35 USC §120 **and/ or** because **b)** ☒ this application was filed after June 30, 2003. Applicants are no longer required to submit copies of U.S. patents and U.S. patent application publications cited in information disclosure statements for all U.S. national patent applications filed

after June 30, 2003 and for all international applications that have entered the national stage under 35 USC §371 after June 30, 2003 (**1276 OG 55**). Nevertheless, applicants stand ready to provide copies at the request of the Examiner.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☐ not given
- ☐ given for each listed item
- ☒ given for only non-English language listed item(s) [Required]
- ☒ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

Date: May 10, 2004

By:



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FORM PTO-1449

U.S. Dept. of Commerce  
Patent and Trademark Office

Atty Docket No.

P1937R1

Serial No.

10/715,270

## LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Chisholm et al.

Filing Date

14 Nov 2003

Group

1638

## U.S. PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	* 1	4,399,216	16.08.83	Axel et al.			
	* 2	4,634,665	06.01.87	Axel et al.			
	* 3	4,713,339	15.12.87	Levinson et al.			
	* 4	5,491,084	13.02.96	Chalfie et al.			
	* 5	5,561,053	01.10.96	Crowley			
	* 6	5,625,048	29.04.97	Tsien et al.			
	* 7	5,777,079	07.07.98	Tsien et al.			
	* 8	5,795,737	18.08.98	Seed et al.			
	* 9	5,804,387	08.09.98	Cormack et al.			
	*10	5,874,304	23.02.99	Zolotukhin et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	11	0 711 835 A	15.05.96	EP				
	12	WO 01/04306	18.01.01	PCT				
	13	WO 92/08796	29.05.92	PCT				
	14	WO 94/28143	08.12.94	PCT				
	15	WO 95/21191	10.08.95	PCT				
	16	WO 96 04391 A	15.02.96	PCT				
	17	WO 97/42320	13.11.97	PCT				
	18	WO 98/06737	19.02.98	PCT				
	19	WO 98/21355	22.05.98	PCT				

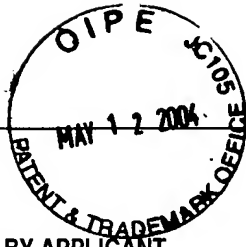
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	20	Assaraf et al., "Identification of Methotrexate Transport Deficiency in Mammalian Cells Using Fluoresceinated Methotrexate and Flow Cytometry" <u>Proc. Natl. Acad. Sci. USA</u> 84:7154-7158 (Oct 1987)
	21	Bennett et al., "Fusion of green fluorescent protein with the zeocin-resistance marker allows visual screening and drug selection of transfected eukaryotic cells" <u>Biotechniques</u> 24(3):478-482 (Mar 1998)
	22	Chalfie et al., "Green Fluorescent Protein as a Marker for Gene Expression" <u>Science</u> 263:802-805 (1994)
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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